



COUNCILMEMBER DONNA FRYE
Council District Six
City of San Diego

M E M O R A N D U M

DATE: October 12, 2007

TO: Honorable Mayor Jerry Sanders
City Attorney Michael Aguirre and
Independent Budget Analyst Andrea Tevlin

FROM: Councilmember Frye *Donna*

SUBJECT: State Legislation

In the past few days, the Governor has signed legislation that will likely affect how our city deals with flood issues. Two bills in particular, are:

AB 162 by Assemblymember Lois Wolk (D-Davis): Requires cities and counties to address flood-related matters in the land use, conservation, safety, and housing elements of their general plans.

AB 70 by Assemblymember Dave Jones (D-Sacramento): Provides, generally, that a city or county may be required to contribute a fair and reasonable share of the increased flood liability caused by its unreasonable approval of developments following the failure of a state flood control project.

It is necessary that we are aware of and understand these bills. Please provide an analysis of how our city will ensure compliance. Specifically, regarding AB 162, does our proposed General Plan update address flood-related matters in the land use, conservation, safety and housing elements, and are there specific sections of the Municipal Code that we might need to change? Regarding AB 70, are there any state flood control projects in our city and if so, which ones; what, is the potential financial impact to our city and are there any measures we should take now to ensure that future development approvals will not be deemed "unreasonable?"

Thank you

CC: Honorable City Councilmembers
William Anderson, Director of City Planning and Community Investment
Job Nelson, Associate Director of Intergovernmental Relations